

LAW OFFICES OF

DANIEL A. MCGUINNESS, P.C.

353 LEXINGTON AVE., SUITE 900, NEW YORK, NY 10016
TEL: (646) 360-0436 • FAX (888) 679-0585 • DAN@LEGALMCG.COM

August 28, 2023

VIA ECF

Hon. Valerie Caproni
United States District Court
40 Foley Square, Room 240
New York, NY 10007

Re: *Benthos Masters Fund, LTD. V. Aaron Etra*, 20-cv-3384 (VEC)

Dear Judge Caproni,

I represent Aaron Etra in the above-captioned matter for the limited purposes stated in the Court's Order dated April 17, 2023, Dkt. 322. I write to reply in further support of the motion to release Mr. Etra from custody and pursuant to the Court's order dated August 15, 2023, Dkt. 360.

Etra has demonstrated substantial good faith towards compliance by turning over all financial records for all relevant bank accounts. Those accounts together with credit card statements, a tax lien, and a pending eviction demonstrate that he does not have the financial means to pay any amount towards his release. While Petitioner states that all of Etra's bank records are insufficient to show his financial status, it begs the question of how Etra could possibly show his inability to pay.

Etra maintains that he has turned over all the records that he is able to obtain due to his current incarceration and diminished eyesight. Additionally, the remaining categories will be satisfied by the pending forensic examination of his electronic devices. Further detention pending the results of that investigation is not justified.

Regarding his social security payments, Etra has turned over all documents related to the Wells Fargo Bank Account ending 0190. *See* Sklar Decl., Ex. T, Dkt. 347-20. Etra's social security payments were deposited into this account until they ceased this past spring. Marc Sklar reports that social security informed him that the payments to Etra ceased due to his incarceration. The account continued to draw automatic payments towards his health insurance and was overdrawn and closed.

Hon. Valerie Caproni

August 28, 2023

Page 2 of 2

As to the M&T IOLA account ending 7045, Etra denies that he commingled funds in any IOLA account. He states that he only withdrew funds that were due to him for services. To the extent these IOLA funds may be paid in this action, they are a small fraction of the amount he needs to stave off eviction or his tax bill.

I thank the Court in advance for its attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. McGuinness', with a stylized flourish at the end.

Daniel A. McGuinness

Cc: All counsel (via ECF)
Aaron Etra (via regular mail)